



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Marilyn Librers, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Marilyn Librers, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, APRIL 21, 2010

AGENDA

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

CITY COUNCIL REPORTS

Council Member Lee

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-11 Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **Adopt Ordinance No. 1972, New Series an Ordinance of the City Council of the City of Morgan Hill Amending Chapters 18.02 and 18.74 of the Morgan Hill Municipal Code, Amending the Public Notice and Public Hearing Requirement for Design Permits and Major Modification of Design Permits, and Amending Chapter 18.54 of the Municipal Code, Eliminating the Requirement for Temporary Use Permit for Model Home Complexes for Residential Subdivisions**..... 1-6
Recommended Action(s): Waive the reading, and **Adopt** Ordinance No. 1972, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
2. **Adopt Ordinance No. 1973, New Series An Ordinance of the City Council of the City of Morgan Hill Approving Zoning Amendment Application ZA-09-19: Shady Lane-Hanson (APN 729-29-017)**..... 7-12
Recommended Action(s): Waive the reading, and **Adopt** Ordinance No. 1973, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
3. **Acceptance of the City Hall HVAC Project**..... 13-16
Recommended Action(s): Accept as complete the City Hall Heating Ventilating and Air Conditioning Project in the final Amount of \$277,795.79; and **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.
4. **March 2010 Financial & Investment Reports**..... 17-46
Recommended Action(s): Accept and file Report.

5. **Rejection of Bids for the 2010 Sewer Point Repair Project**47-50
Recommended Action(s): Reject the bids received on April 7, 2010 for the 2010 Sewer Point Repair Project and authorize staff to rebid the project.
6. **Water Conservation Progress Report**51-54
Recommended Action(s): Accept Report.
7. **First Amendment to Household Hazardous Waste Agreement for 2009-10**55-58
Recommended Action(s): Authorize the City Manager to execute the First Amendment to the City's Household Hazardous Waste Agreement with the County.
8. **Authorization to Accept Urban Runoff Pollutant Reduction Grant from Santa Clara Valley Water District**59-64
Recommended Action(s): Authorize the City Manager to execute Grant Agreement.

08 Supplemental 01

9. **Morgan Hill Sign Code Regulations for Community Event Signs**65-66
Recommended Action(s): Accept report.
10. **Resolution Supporting Block Grant Funding for the Butterfield Boulevard South Extension Project**67-72
Recommended Action(s): Approve the attached Resolution supporting the application for the Block Grant Funding Program in the amount of \$500,000 for the Butterfield Boulevard South Extension Project.
11. **A Resolution of the City Council of the City of Morgan Hill Authorizing Telecommunications Services from Verizon Business for the Aquatics Center, Centennial Recreation Center, Community and Cultural Center and Public Works Corporation Yard Phone**73-86
Recommended Action(s): Approve the attached Resolution authorizing the Verizon Business telecommunication services to replace existing phone systems and upgrade telecommunication service at the Aquatic Center, Centennial Recreation Center (CRC), Community and Cultural Center (CCC), and Public Works Corporation Yard and make determinations on waiving the competitive bid process under Municipal Code 3.04.180 by utilizing the State of California Integrated Information Network II (CALNET II) purchasing agreement.

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 12-14

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

12. **March 2010 Financial & Investment Reports**87-96
Recommended Action(s): Accept and file Report.
13. **Contract Amendment with Strombotne Law Firm for Outside Legal Counsel**97-108
Recommended Action(s): Authorize the Executive Director to amend the existing contract with Strombotne Law Firm to an amount not to exceed \$50,000.

14. [Contract Amendment with Nossaman, Guthner, Knox & Elliot, LLP for Outside Legal Counsel](#).....109-120
Recommended Action(s): Authorize the Executive Director to amend the existing contract with Nossaman, Guthner, Knox & Elliot, LLP to an amount not to exceed \$54,500.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 15-16

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|---|-------------|
| Time Estimate | |
| Consent Calendar: 1 - 10 Minutes | |
| 15. <u>Approval of Joint Regular City Council and Redevelopment Agency Meeting Minutes for March 24, 2010</u> | 121-132 |
| 16. <u>Approval of Joint Special City Council and Redevelopment Agency Meeting Minutes for April 1, 2010</u> | 133-140 |

City Council Action

PUBLIC HEARINGS:

ITEMS 17

- | | Page |
|--|-------------|
| Time Estimate | |
| 17. 10 Minutes <u>Zoning and Development Agreement Amendments, ZA-05-05 & DAA 05-04: E. Main-Marrad (Dividend)</u> | 141-208 |
| <u>Recommended Action(s)</u> | |
| 1. <u>Open</u> /Close Public Hearing. | |
| 2. <u>Waive</u> the reading in full of the Zoning Amendment Ordinance. | |
| 3. <u>Introduce</u> on first reading the Zoning Amendment Ordinance (roll call vote). | |
| 4. <u>Waive</u> the reading in full of the Development Agreement Ordinance. | |
| 5. <u>Introduce</u> on first reading the Development Agreement Ordinance. | |

Redevelopment Agency Action

OTHER BUSINESS:

ITEMS 18

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|---|-------------|
| Time Estimate | |
| 18. 45 Minutes <u>Selection of Business Partner for the First Phase Mixed-Use Downtown Revitalization Project</u> | 209-230 |
| <u>Recommended Action(s):</u> | |
| 1. <u>Review</u> responses from the 2 short-listed developers; and | |
| 2. <u>Select</u> a business partner. | |

City Council Action

OTHER BUSINESS:

ITEMS 19-20

	Time Estimate		Page
19.	20 Minutes	<u>Consideration of an Uncodified Ordinance of the City Council of the City of Morgan Hill Approving a Building Permit Amnesty Program for Morgan Hill Residents</u>	231-236
		<u>Recommended Action(s):</u> 1. <u>Waive</u> the first and second reading of the Ordinance. 2. <u>Introduce</u> the Ordinance.	
20.	10 Minutes	<u>Urban Storm Water Quality Management and Discharge Control Ordinance</u>	237-254
		<u>Recommended Action(s):</u> 1. <u>Waive</u> the first and second reading of Ordinance; and 2. <u>Introduce</u> Ordinance.	

City Council Action

PUBLIC HEARINGS:

ITEMS 21

	Time Estimate		Page
21.	10 Minutes	<u>Consideration of an Interim Ordinance Extending a Moratorium on the Issuance, Entitlements, License and Approval of Massage Establishment Permits, Massage Practitioner Permits and Managing Employee Permits, Pending Appropriate Amendments to the Morgan Hill Municipal Code</u>	255-262
		<u>Recommended Action(s)</u> 1. <u>Open</u> and close public hearing. 2. <u>Adopt</u> written report describing the measures taken to alleviate the condition which led to adoption of the original 45-day urgency interim ordinance and 10 month, 15 day extension (Exhibit A). 3. <u>Adopt</u> an Urgency Interim Ordinance extension for up to 1 year prohibiting the issuance of new massage practitioner permits, with limited exceptions, massage establishment permits, managing employee permits or any other approval for massage establishments in the City of Morgan Hill. (Requires four-fifths vote).	

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution No. 6304
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly-address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Council Services Records Coordinator prior to discussion of the item. In accordance with Government Code 54953.3, it is not required to complete a speaker card in order to speak to the Council/Agency. When your name is called, proceed to the podium and clearly state your name and comment on the agenda item. If you wish to address the City Council on any other item of interest to the public, follow the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Council Services Records Coordinator, who will distribute correspondence to the City Council/Redevelopment Agency.

Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's department at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.